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STATE FOR WHA A/S SHANNON, DAS DUDDY, AND DMCCARTHY
STATE ALSO FOR WHA/BSC FOR BARNES, FRIEDMAN, AND BLAKENEY
STATE FOR NEA/IR FOR HWOOSTER
STATE FOR P, E, S/P
STATE FOR S/CT VIRGINIA PALMER AND ARNOLD SIERRA
NSC FOR JUAN ZARATE AND JOSE CARDENAS
FBI FOR CTD IRAN-HIZBALLAH UNIT AND OIO AMERICAS UNIT
DOJ FOR ALICE FISCHER AND BRUCE SWARTZ

E.O. 12958: DECL: 02/07/2017
TAGS: [PTER](#) [PREL](#) [PGOV](#) [FBI](#) [AR](#)
SUBJECT: AMIA RED NOTICES: DOJ OFFICIALS DISCUSS WITH MFA
GOA'S PREPARATIONS FOR MARCH 13-16 INTERPOL EXECUTIVE
COMMITTEE MEETINGS

REF: A. BUENOS AIRES 205
[1](#)B. BUENOS AIRES 182

Classified By: Ambassador E. Anthony Wayne for reasons 1.4(b)
and (d)

[1](#)1. (C) Summary and Comment: Visiting DOJ Assistant Attorney
General Alice Fisher and Criminal Division Deputy Assistant
Attorney General Bruce Swartz met February 7 with MFA Under
Secretary for Foreign Policy Ambassador Cappagli, MFA

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AMIA-lead Ambassador Gonzalez and other senior MFA officials
to discuss the AMIA case and the Interpol Red Notices.
Cappagli and Gonzalez expressed their serious concerns about
how the the March 13-16 Interpol Executive Committee (EC)
meeting will develop and the critical importance for the GOA
that the pending Red Notices in the AMIA case be endorsed by
the EC. They reiterated the GOA's official request for the
USG's quiet diplomatic efforts with EC member countries and
stressed the importance that the U.S. regional EC
representative attend the meeting. They noted that Interpol
Secretary General Noble had confidentially and off the record

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floated the idea of the GOA dropping Red Notice requests for
former Iranian president Rafsanjani and former Foreign
Minister Velayati. If the GOA drops the Red Notice requests
(Interpol diffusion of Argentine indictments would remain)
for Rafsanjani and Velayati, it could allay Interpol's and
others sensitivity about the immunity issue for senior
government officials sufficiently to break loose the hold on
the Red Notices for the other indictees. GOA is looking for
a quick sign from the USG of continued support and an
indication of what we might be able to do in reaching out to
Exec.Comm. governments, especially those with whom the GOA
has little contact. Fisher promised to discuss the issue
with the Attorney General and to raise it with the rest of
the USG interagency. END SUMMARY AND COMMENT.

[1](#)2. (C) On February 7, Assistant Attorney General Criminal
Division Alice Fisher and Deputy Attorney General Criminal

Division Bruce Swartz, accompanied by DCM, A/LEGATT and PolOff, met with MFA Under Secretary for Foreign Policy Luis Cappagli, MFA AMIA lead Ambassador Guillermo Gonzalez and other senior MFA officials to discuss the AMIA case and the upcoming March 13-16 meeting in Lyon of the Interpol Executive Committee. Cappagli and Gonzalez stated the GOA's concerns regarding the EC meeting, expressing their belief that this was their best -- and perhaps only -- chance to convince Interpol to issue Red Notices for the indicted Iranian and Lebanese suspects in the 1994 terrorist bombing of the Argentine Israeli Mutual Association (AMIA).

13. (C) Cappagli and Gonzalez reviewed with Fisher and Swartz the Argentine delegation's January 22 meeting in Lyon with Interpol Secretary General (SG) Ron Noble, other senior Interpol officials, and the Iranian delegation (reftels). Gonzalez relayed that SG Noble had confidentially and off the record hinted at the issue of the GOA dropping the Red Notice requests for former president Rafsanjani and former Foreign Minister Velayati. Doing so would obviate the need to consider the immunity issue for former heads of state and senior government officials and allay the concerns of many countries about the implications of issuing such sensitive international capture notices. They said that Noble has also floated the idea of issuing an "interim decision" short of Red Notices, that would enter the nine suspects in the Interpol database with a footnote noting the GOI objections. Gonzalez said the GOI delegation rejected that suggestion.

14. (C) Cappagli and Gonzalez told Fisher and Swartz that they were, in fact, considering the option of dropping the detention requests for Rafsanjani and Velayati and could, in the end, probably accept that outcome. They noted, however, that "officially" they would maintain their push for the Executive Committee to issue all the Red Notices and would likely publicly protest such an Interpol decision. The MFA officials admitted that they had not taken into account the sensitive and complex issue of executive immunity, but were in the process of analyzing the matter. Gonzalez said that SG

Noble told him that, given the history of the case and the 2005 suspension of capture notice, that he could not act without political support and, therefore, he was asking the EC to address the issue. Gonzalez said that Noble told him he would be making recommendations on each of the nine detention orders to the EC, but Gonzalez told us that he expected a "timid" recommendation at best. Gonzalez said that he expected that the GOI would appeal to the Interpol General Assembly and positive vote by the EC on any of Iranian suspects.

15. (C) Gonzalez and Cappagli informed Fisher and Swartz that without the United States' support ("effective and creative imagination") Argentina's efforts at Interpol will not succeed. They noted their belief that the other member countries of the EC will not be anxious to take on the Iranians and that the "unwavering support" and quiet lobbying of the USG will be essential if the GOA efforts are to succeed on any of the nine suspects. This support, they said, would be particularly important with those countries, such as Morocco, Algeria, South Africa, Singapore, Korea and Russia. DCM asked if and when the MFA anticipated demarching member countries. Cappagli responded they would be doing so soon, both in Buenos Aires and in capitals, but were waiting for the return of the Foreign Minister from his travel to France for the final go ahead to do their own demarches.

16. (C) Gonzalez said that the most effective USG support could come after the GOA demarche and would hopefully involve direct contact with other Interpol EC representatives, whom senior USG officials know much better than GOA officials. Gonzalez also underlined the importance of having US rep to the EC, Thomas Fuentes, present at the March EC meeting, reflecting his knowledge that Fuentes has been on medical leave over recent weeks. Cappagli and Gonzalez also asked for an urgent turnaround on the GOA request for USG support. They repeated that USG support was essential for success in this case and noted that the degree of USG support will be

factored into their own government's strategy over the coming several weeks before the March EC meeting. While making no promises, Assistant AG Fisher promised to discuss the issue that same day with the Attorney General and to raise it with the rest of the USG interagency.

17. (C) COMMENT: This meeting constituted the first formal senior level GOA request for strong USG support for their efforts to have the Interpol EC meeting in March endorse the GOA requests for Red Notices against some if not all of the nine suspects named in the GOA submission to Interpol. Embassy underlines the need for a quick USG response to the GOA request, given the short number of weeks before the Lyon meeting of the EC. We are certain that the same request will be made to U/S Burns and A/S Shannon in their meetings on February 9 with FM Taiana and other senior GOA officials. Translation of the formal GOA submission to Interpol on the nine suspects (handed over to Assistant AG at the meeting) is being translated by the Embassy and will be forward to Washington in the coming days.

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